

cc: Pietro Mannino

D.W. 96942129-01-0

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United States Environmental
Protection Agency
Washington, DC 20460

Interagency Agreement

Amendment

Part 1 - General Information

1. EPA IAG Identification Number
DW-96-94212901 - 0

4. Funding Location by Region
EPA R2

2. Other Agency IAG ID Number
96

5. Program Office
Abbreviation
Region 2

3. Type of Action
New

6. Name and Address of EPA Organization

US Environmental Protection Agency
Emergency and Remedial Response Division
290 Broadway
New York, New York 10007-1866
DUNS: 029128894

7. Name and Address of Other Agency

Corps of Engineers-Omaha District HTRW CX
12565 West Center Road
Omaha, NE 68144-3869
DUNS: DOD966419

8. Project Title and Description

Cornell-Dubilier Electronics, OU4, RI/FS, Superfund Site, South Plainfield, New Jersey
Remedial Investigation/Feasibility Study (RI/FS) activities of OU4 (Bound Brook) at the Cornell-Dubilier Electronics Superfund Site, South Plainfield, New Jersey

9. EPA Project Officer (Name, Address, Phone Number)

Vince Pitruzzello
Emergency and Remedial Response Division
290 Broadway
New York, NY 10007-1866
212-637-4354

10. Other Agency Project Officer (Name, Address, Phone Number)

Marvene L. Seaman
USAcE, HTRW-CX
12565 West Center Road
Omaha, NE 68144-3869
402 697-2425

11. Project Period

09/30/2007 to 12/31/2010

12. Budget Period

09/30/2007 to 12/31/2010

13. Scope of Work

This agreement obligates \$400,000 to the U.S. Army Corps of Engineers-Kansas City District for remedial investigation and feasibility study activities for operable unit 4 at the Cornell-Dubilier Electronics superfund site (EPA ID#: NJD981557879).

See Attachment A for a detailed Scope of Work and Attachment B for Special Conditions.

Pietro Mannino is the RPM and he can be reached at (212) 637-4395.

EPA Grants Specialist for this IAG is John Owen 212-637-3415

14. Statutory Authority for Both Transfer of Funds and Project Activities

CERCLA: Secs. 105(a)(4) & 115; Executive Order 12580 as amended

15. Other Agency Type

Federal Agency

Funds	Previous Amount	Amount This Action	Amended Total
16. EPA Amount		\$400,000	\$400,000
17. EPA In-Kind Amount			\$0
18. Other Agency Amount			\$0
19. Other Agency In-Kind Amt.			\$0
20. Total Project Cost		\$400,000	\$400,000

21. Fiscal

Site Name	DCN	FY	Approp.	Budget Org.	PRC	Object	Site/Project	Cost Org.	Obligation
CORNEL L	HE0289	2007	TCD	2AD0P	302DD2C	2507	02GZCO04	C004	400,000
									400,000



Part II - Approved Budget

EPA IAG Identification Number

DW-96-94212901 - 0

22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$26,628	\$26,628
(b) Fringe Benefits	\$0	\$0
(c) Travel	\$2,000	\$2,000
(d) Equipment	\$0	\$0
(e) Supplies	\$0	\$0
(f) Procurement / Assistance	\$345,000	\$345,000
(g) Construction	\$0	\$0
(h) Other	\$7,200	\$7,200
(i) Total Direct Charges	\$380,828	\$380,828
(j) Indirect Costs: Rate <u>72%</u> Base <u>\$26,627.91</u>	\$19,172	\$19,172
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$400,000	\$400,000

23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? ☐ Yes ☒ No

(Identify all equipment costing \$1,000 or more)

24. Are any of these funds being used on extramural agreements? (See Item 22f.) ☒ Yes ☐ NoType of Extramural Agreement ☐ Grant ☐ Cooperative Agreement ☒ Procurement

Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
TBA	345000 Total \$ 345,000.00	100

Part III - Funding Methods and Billing Instructions

25. (Note: EPA Agency Location Code (ALC) - 68010727)

- ☒ Disbursement Agreement
☒ Repayment
☐ Advance
☐ Allocation Transfer-Out
- Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:
☒ Monthly ☐ Quarterly ☐ Upon Completion of Work
- Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.
- Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.

26.
☐ Reimbursement Agreement
☐ Repayment
☐ Advance
☐ Allocation Transfer-In

Funding Agency's Treasury Symbol 68-20X8145 ☐ One-Year ☐ Two-Year ☒ No-Year

Other Agency's IAG Identification Number 96 EPA Program Office Allowance Holder/Resp. Center No. 27

Other Agency's Billing Address (include ALC or Station Symbol Number) Other Agency's Billing Instructions and Frequency

Part IV - Acceptance Conditions

EPA Identification Number

DW-96-94212901 - 0

27. General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

28. Special Conditions (Attach additional sheets if needed)**Part V - Offer and Acceptance**

Note: 1) For Disbursement actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)

EPA Program Office (for technical assistance)

29. Organization/Address**30. Organization/Address**

US EPA R2
Grants and Contracts Management Branch
290 Broadway
New York, New York 10007-1866

US Environmental Protection Agency
Region 2
Emergency and Remedial Response Division
290 Broadway
New York, NY 10007-1866

Certification

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

Decision Official on Behalf of the Environment Protection Agency Program Office**31. Signature**

Typed Name and Title

Date

George Pavlou, Director Emergency and Remedial Response Division

9-17-07

Action on Behalf of the Environment Protection Agency

32. Signature

Typed Name and Title

Date

Donna J. Vizian, Assistant Regional Administrator for Policy and Management

9/15/07

Authorizing Official on Behalf of the Other Agency

33. Signature

Typed Name and Title

Date

Pauline Lehman, Chief, Budget, Manpower & Management Analysis Branch

9-21-07

ATTACHMENT A

Scope of Work Remedial Investigation and Feasibility Study

Site: Cornell-Dubilier Electronics, South Plainfield, Middlesex County, New Jersey.

Site ID: NJD981557979

Purpose

This Interagency Agreement (IAG) between the U.S. Army Corps of Engineers Kansas City District (USACE-KC) and the U.S. Environmental Protection Agency (EPA) is for remedial investigation and feasibility study (RI/FS) activities for Operable Unit 4 (OU4) at the Cornell-Dubilier Electronics (CDE) Superfund Site. OU4 addresses the contaminated sediments of the Bound Brook.

Background

The Cornell-Dubilier Electronics (CDE) site is located at 333 Hamilton Boulevard, South Plainfield, Middlesex County, New Jersey. The former CDE facility, now known as the Hamilton Industrial Park, consists of approximately 26 acres containing 18 buildings that are currently used by a variety of commercial and industrial tenants.

CDE operated in South Plainfield from 1936 to 1962, manufacturing electronic components including, in particular, capacitors. Polychlorinated biphenyls (PCBs) and chlorinated organic solvents were used in the manufacturing process, and the company apparently disposed of PCB-contaminated materials and other hazardous substances directly on the facility soils. CDE's activities evidently led to widespread chemical contamination at the facility, as well as migration of contaminants to areas adjacent to the facility. PCBs have been detected in the groundwater, soils and in building interiors at the industrial park, at adjacent residential, commercial, and municipal properties, and in the surface water and sediments of the Bound Brook. High levels of volatile organic compounds (VOCs) have been found in the facility soils and in groundwater.

EPA has divided the site into four operable units (OUs). OU1 addresses residential, commercial, and municipal properties located in the vicinity of the former CDE facility. On September 30, 2003, EPA signed a ROD to address OU1. OU2 addresses the contaminated soils and buildings at the former CDE facility. On September 30 2004, EPA signed a ROD to address OU2. OU3 addresses the contaminated groundwater and OU4 addresses the sediments of the Bound Brook (OU4).

The following is a summary of the sampling events that have been performed by EPA for the Bound Brook:

- In August through December 1997, the EPA Removal Action Branch collected surface and subsurface soil samples from the banks and sediment samples from the streambed along the Bound Brook. Approximately 2.4 miles of the Bound Brook was investigated.

The results of this investigation are summarized in the "Soil and Sediment Sampling and Analysis Report", dated 09/07/98.

- In June 1999, soil sampling activities were performed by the EPA Removal Action Branch to characterize PCB contamination in the flood plain of the Bound Brook in Reaches 5 and 6 (as defined in the "Soil and Sediment Sampling and Analysis Report, dated 09/07/98). Reaches 5 and 6 had the highest mean surface soil PCB concentrations of the areas investigated. The four areas chosen for this investigation were selected based on their proximity to high use areas. Refer to the "Flood plain Soil/Sediment Sampling and Analysis Summary Report", dated 01/17/00 for the results of this investigation.
- In April 1998, REAC performed an ecological evaluation for the Bound Brook. The objectives were to 1) to investigate the nature and extent of contamination within the Bound Brook downstream of the Cornell-Dubilier Electronics site; 2) to conduct an ecological risk assessment of a portion of the Bound Brook and its associated flood plain downstream of the Cornell-Dubilier Electronics site, and 3) to collect and analyze fish fillets from the Bound Brook downstream of the Cornell-Dubilier Electronics site for a human health risk assessment. Refer to the "Ecological Risk Assessment", dated July 1999.
- These data resulted in fishing advisories for portions of the Bound Brook, New Market Pond and Spring Lake.

Work Statement

The U.S. Army Corps of Engineers-Kansas City District (USACE-KC) shall perform the RI/FS at the Cornell-Dubilier Electronics Superfund Site, Operable Unit 4.

General Requirements

The USACE-KC shall be responsible for selecting a contractor to conduct the RI/FS activities for OU4.

The USACE-KC shall conduct the RI/FS in accordance with the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (U.S. Environmental Protection Agency, October 1988). The USACE-KC shall also develop a Preliminary Ecological Risk Assessment in accordance with EPA 540-12-97-006, ERAGS, dated June 5, 1997 (or more recent guidance) and a Preliminary Human Health Risk Assessment in accordance with EPA 540/1-89/002, as updated.

Specific RI/FS activities

The USACE will be responsible to conduct the RI/FS activities described below in order to develop remedial alternatives for OU4:

Task 1- Project Planning

Upon receipt of this SOW, the contractor shall identify activities necessary to perform the RI/FS for OU4. The contractor shall meet with EPA in one or more scoping meetings to discuss the following items:

- The proposed scope of the project and the specific investigative and analytical activities that will be required to complete the OU4 RI/FS;
- Preliminary remedial action objectives and general response actions;
- Early actions / bench and pilot scale soil treatability studies if necessary;
- Potential remedial technologies;
- Potential applicable or relevant and appropriate requirements (ARARs) associated with the site and the potential response actions being contemplated. Based on these discussions, the contractor shall conduct the work using, to the extent applicable, existing information about this site.

After the scoping meeting, the contractor shall develop the specific project plans to meet the objectives of the OU4 RI/FS. The project plans shall outline the overall technical approach, complete with corresponding personnel requirements, activity schedules, deliverable due dates, and budget estimates for each of the specified tasks; a sampling and analysis plan (composed of the field sampling plan and the quality assurance project plan); and a health and safety plan for the OU4 field activities.

Task 2 - Technical Studies and Investigations

The contractor shall conduct the investigations necessary to determine the overall nature and extent of hazardous substance releases at the site. Such investigations shall not duplicate work already performed at the site. Instead, the studies and investigations will build on the previous database. Prior to preparation of a Field Investigation Work Plan, USACE-KC shall provide a letter report summarizing the results of the data collected to date and recommending the additional investigations and studies.

Task 3A - Work Plan Preparation

Subsequent to approval by EPA, USACE-KC shall provide EPA with a Work Plan for Field Investigations, including all necessary planning documents (sampling plan, QA/QC plan, etc.).

Task 3B - Preliminary Risk Assessment

The contractor shall prepare a Preliminary Ecological Risk Assessment in accordance with EPA 540-12-97-006, ERAGS, dated June 5, 1997 (or more recent guidance) and a Preliminary Human Health Risk Assessment in accordance with EPA 540/1-89/002, as updated. This preliminary Risk Assessment will be used by the contractor to propose additional sampling and/or work (if deemed necessary) to complete the Risk Assessments for OU4.

Note: References to "Contractor" are revised to "USACE" ns.

Task 4 - Work Plan Implementation

Upon EPA approval of the Work Plan, USACE-KC shall implement the Work Plan.

Task 5 - Sample Analysis/Validation

The Corps shall follow the Region 2 FASTAC procedures in accordance with their agreement with DESA and the contractor shall develop a data management system including field logs, sample management and tracking procedures, document and inventory controls for both laboratory data and field measurements. The data collected during the investigation shall support the FS. Collected data should be validated at the appropriate field or laboratory QC level to determine whether it is appropriate for its intended use. Task management and quality controls shall be provided by the contractor. The contractor shall incorporate this information into the OU4 RI/FS appendices.

Task 6 - Data Evaluation

The contractor shall analyze all site investigation data and present the results of the analyses in an organized and logical manner so that the relationships between site investigation results for each medium are apparent. The contractor shall prepare a summary that describes: (1) the quantities and concentrations of specific chemicals at the site and the ambient levels surrounding the site and (2) the potential transport mechanism and the expected fate of the contaminant in the environment.

Task 7 - Preparation of RI Report and Human Health and Ecological Risk Assessment Report

The contractor shall prepare the RI and Risk Assessment Reports in conformance with all EPA guidance.

Task 8 - Remedial Alternatives Development and Screening

The contractor shall conduct remedial alternatives development in accordance with Section 4.2 of the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA. The contractor shall conduct alternatives screening in accordance with Section 4.3 of the above referenced guidance.

The contractor shall meet with EPA to determine the remedial action objectives for the site. If additional meetings are required, they will be authorized in writing.

Task 9- Detailed Analysis of Alternatives

Detailed analysis of alternatives will be conducted consistent with Chapter 6 of the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA.

Task 10 - FS Report

The contractor shall present Tasks 9 and 10 in an FS report(s). Supporting data, information, and calculations will be included as appendices to the report. The contractor shall proceed with the development of draft FS report only after consultation with the EPA regarding the scope of each report. The contractor shall prepare and submit a draft FS report under the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA for comments and subsequently incorporate those comments into the final FS report. Depending on the selected alternative, a treatability/pilot test may be necessary to prove the effectiveness of the technology. If appropriate, this work will be performed as part of task 10.

Task 11 - Post RI/FS Support

The contractor may be called upon to assist EPA by providing technical expertise in responding to oral and/or written public comment(s) on the Proposed Plan and/or the RI/FS reports.

Project Organization

The EPA Remedial Project Manager for this project is:

Peter Mannino
U.S. Environmental Protection Agency Region II
290 Broadway - 19th Floor
New York, NY 10007-1866
(212) 637-4395

ATTACHMENT B

Special Conditions

Remedial Investigation/Feasibility Study

The USACE agrees to meet the site-specific financial management and record keeping responsibilities contained in EPA's "Superfund Financial Management and Record keeping Guidance for Federal Agencies" (January 1989).

1. Cost Documentation Requirements

EPA acting as manager of the Hazardous Substances Superfund, requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended, authorizes EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds, both USACE and EPA have responsibilities under this agreement. The USACE accounting systems reports must be supported by site and activity-specific cost documentation. The USACE will organize and retain in a site file documentation of costs by site and activity (e.g. vouchers, billing statements, evidence of payment, audit reports) as follows:

a. Direct Costs

- Payroll - time sheets or time cards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor.
- Travel - travel authorizations (including purpose of trip), local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotel, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF1166 "Voucher and Schedule of Payment" or equivalent.
- Any other direct costs not included in the above categories.

b. Indirect Costs

If indirect costs are not calculated by the USACE accounting system, a worksheet showing calculations of indirect costs charged to a site will be retained by the USACE.

Under this IAG, the USACE certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that are funded out of the performing agency's currently available appropriations and that bear a significant relationship to the performing of the service or work, or 2) that statutory authority exists for charging other than these costs of performance.

2. Reporting Requirements

- a. The USACE will provide monthly progress reports to the RPM listed on the IAG form containing:
- Report number, date of report, and reporting period
 - Site name and IAG Number.
 - Preparer Name, phone number and email address.
 - Summary of work performed since last report.
 - Accounting of funds expended during the reporting period and on project to date, which includes budget category cost breakdown.
 - Estimate of the percentage of the project completed.
 - Accounting of funds expended during the reporting period and on the project to date, which includes budget category cost breakdown.
 - Summaries of all contracts with representatives of the local community, public interest groups or State government during the reporting period.
 - Summaries of all problems or potential problems encountered during the reporting period.
 - Projected work for the next reporting period.
- b. The USACE will submit a completed and signed Request for Reimbursement (SF1080) to the EPA Financial Management Center, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45628, containing, as appropriate, USACE cost by budget category identified by site, site-specific account number, and IAG number.

Upon receipt of the USACE certified bills, CFMC processes payment to USACE. Payment will be made within 5 days of receipt and without certification by the EPA Regional program office except for final billings. The USACE project manager will provide a copy of the SF1080 billings clearly marked "copy" with the monthly status report to the EPA Region 2 Project Officer, Shaheer Alvi. If EPA detects any apparent discrepancies with the payment request, the problem shall be discussed and resolved with the USACE project manager. Any changes required to subsequent payment requests will be documented in a memorandum from the RPM to the USACE project manager.

3. Cost Recovery

In the event of a contemplated cost recovery action, the USACE will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific costs and including copies of the back up documentation. In some cases, these requests from EPA or DOJ may require that this documentation be provided in less than thirty days. If additional time is required to comply with a request, USACE will negotiate with EPA or DOJ a time frame for responding. USACE will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

4. Record Retention Requirements

The USACE will retain the documents described in these "Special Conditions" for a minimum of ten years after submission of a final SF1080 for a site or sites, after which the USACE must obtain written permission from the authorized EPA official before disposing of any of the records.

5. Audits

- a. Superfund documentation information must be available for audit or verification upon request of authorized auditing agencies.
- b. If an audit determines that any direct or indirect cost charged to EPA is unallowable, EPA will be notified immediately following the resolution of the audit.

6. Financial Closeout

Within six months after completion of RI/FS activities, the USACE will send a letter to USEPA Region II Project Officer stating that the project is complete and give the total amount of funds utilized and the amount of excess funds to be revoked, if any, in accordance with USACE Engineering Regulation No. 37-5-3.

7. Quality Assurance

When conducting work for Region 2, USACE will perform all QA tasks in accordance with R2 QA policies, guidelines, SOPs etc. as opposed to USACE QA procedures. QA Documents submitted to the EPA (i.e., QMPs and QAPPs prepared in accordance with the UFP guidance) will be reviewed by R2 QA staff prior to being approved by the R2 RPM. The USACE is responsible for reviewing and approving any USACE contractor work for consistency with R2 QA requirements. Any guidance referenced herein will be superseded by updates or new Requirements/Guidance as they become available. All QMPs or QAPPs must be reviewed annually and updated/revised once every five years in accordance with the most recent EPA Requirements and approved by the USACE QA Officer or designee (as approved by EPA) prior to submission to EPA for review and approval. EPA may perform periodic USACE Quality System and/or project-related assessments. The most recent Guidance and Requirements can be found at: <http://www.epa.gov/region02/qa/documents.htm>

8. Cost Collection Upon Cancellation

If the Environmental Protection Agency (EPA) cancels the order, the USACE is authorized to collect costs incurred prior to cancellation of the order plus termination costs, up to the total payment amount provided for under the agreement.

9. Minority Business Utilization

In accordance with Public Law 102-389, EPA's policy requires, to the fullest extent possible, that at least 8% of its overall Federal funding for prime and subcontracts awarded in support of authorized programs be awarded to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals, including historically Black colleges and universities and women.

Consistent with this policy, the USACE agrees, in awarding contracts under this IAG, to comply with the utilization requirements for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) set forth in the Small Business Act, 15 U.S.C. 631 et seq and the annual Small Business goals negotiated with the Small Business Administration (SBA).

The USACE agrees to submit a report to EPA showing the total amount of procurement dollars awarded and the amount and percentage of such funds awarded to MBEs and WBEs on Forms 6005-3 and 6005-3a by December 15th of the current year. Reports should be submitted to:

Office of Small and Disadvantaged Business Utilization
U.S. Environmental Protection Agency
633 3rd Street, N.W. (Mail Code: 1230N)
Room 8100
Washington, D.C. 20001